

AO 91 (Rev. 11/11) Criminal Complaint

Officer:

AUSA: Susan Fairchild
Lawrence BallardTelephone: (313) 226-9577
Telephone: (313) 220-7452UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Braulio DIAZ HERNANDEZ

Case No.

Case: 2:23-mj-30254
Assigned To : Unassigned
Assign. Date : 6/14/2023
Description: COMP USA V. DIAZ
HERNANDEZ (KB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 12, 2023 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:*Code Section*

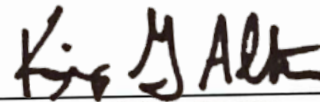
Title 8 U.S.C. Sec. 1326(a)

Offense Description

Unlawful Re-entry After Removal

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: June 14, 2023City and state: Detroit, Michigan*Complainant's signature*Lawrence Ballard, Deportation Officer, ICE
Printed name and title*Judge's signature*Kimberly Altman, United States Magistrate Judge
Printed name and title

Affidavit

I, Lawrence C. Ballard, being duly sworn, do hereby state:

1. I am a Deportation Officer with the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE), currently assigned to Enforcement and Removal Operations (ERO). In such capacity, I have reviewed the official Immigration file and system automated data relating to Braulio DIAZ HERNANDEZ, which attests to the following:
2. DIAZ HERNANDEZ is a twenty-eight-year-old male, native and citizen of Mexico, who last entered the United States at an unknown place on an unknown date without being admitted, inspected or paroled by an Immigration Officer.
3. On November 10, 2011, U.S. Border Patrol apprehended DIAZ HERNANDEZ in Detroit, Michigan, and served him with Form I-862 Notice to Appear. On January 18, 2012, an Immigration Judge in Detroit, Michigan granted DIAZ HERNANDEZ voluntary departure from the United States to Mexico; DIAZ HERNANDEZ was subsequently returned to Mexico via air conveyance on January 25, 2012.
4. On March 22, 2012, U.S. Border Patrol apprehended DIAZ HERNANDEZ at or near Laredo, Texas and voluntarily removed him from the United States to Mexico, a foot, on the same date.
5. On January 3, 2019, ICE ERO apprehended DIAZ HERNANDEZ at the Canton Township Police Jail, Canton Township, Michigan; following an arrest for Operating While Intoxicated and Controlled Substance - Cocaine and served him with Form I-862 Notice to Appear. On January 29, 2019, an Immigration Judge in Detroit, Michigan ordered DIAZ HERNANDEZ removed from the United States to Mexico; DIAZ HERNANDEZ was subsequently removed to Mexico on February 6, 2019.
6. On April 25, 2023, the West Bloomfield Township Police Department, West Bloomfield Township, Michigan arrested DIAZ HERNANDEZ for the offense of Operating While Intoxicated; case still pending. DIAZ had a Preliminary Breathalyzer Test (PBT) reading of .122 at the time of his arrest. He was observed driving erratically by the police officers. DIAZ HERNANDEZ was turned over to the Wayne County Jail on a warrant

issued by the Canton Township Police Department for 2019 offenses.

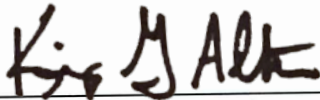
7. On June 12, 2023, the 3rd Circuit Court, Wayne County, Michigan convicted DIAZ HERNANDEZ for the offenses of Operating While Intoxicated and Controlled Substance – Use Cocaine and sentenced him to 48 days jail (time served).
8. On June 12, 2023, DIAZ HERNANDEZ was apprehended by ICE ERO at the Wayne County Jail and transported to the Detroit Field Office for processing. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.
9. On June 12, 2023, during processing at the ICE ERO Field Office, DIAZ HERNANDEZ was fingerprinted which revealed a match to DIAZ HERNANDEZ, Alien File No. XXX XXX 814, a previously deported Alien.
10. On June 12, 2023, records from Alien File (A# XXX XXX 814) for DIAZ HERNANDEZ and queries in Department of Homeland Security databases were reviewed and revealed that no record exists of DIAZ HERNANDEZ obtaining the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States following his removal from the United States on February 6, 2019.
11. Therefore, there is probable cause to believe that Braulio DIAZ HERNANDEZ is an alien, who unlawfully reentered or was found in the United States after removal without the express permission from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States in violation of Title 8, United

States Code, Section 1326(a).



Lawrence Ballard, Deportation Officer
Immigration & Customs Enforcement

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable Kimberly Altman
United States Magistrate Judge

Dated: June 14, 2023